

## **REMARKS**

Claims 25, 26 and 34 have been cancelled. New claims 35-37 have been added. In the Office Action, the Examiner rejected claims 15-18, 21-24, 26-28 and 30-34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,539,313 to Bornemann. The Examiner further rejected claims 19, 20, 25, and 29 under 35 U.S.C. §103 as unpatentable over Bornemann in view of “The Development of a Wireless Modular Health Monitoring System for Civil Engineering” by Lynch. The Applicant respectfully disagrees with the Examiner.

Bornemann is directed toward a method of testing the installation of a working tool on a numerically controlled universal milling or drilling machine having an automatic tool changing device. Col. 2, Ln. 56-58. When a tool change is accomplished (either manually or automatically) the work spindle is accelerated to a reference speed of rotation. Col. 3, Ln. 13-15. The current uptake of the drive motor is measured and compared to a reference curve for acceleration of the work spindle with and without a tool fitted thereon. Col. 3, Ln. 14-16. In this manner, it is determined whether a tool is coupled to the work spindle. Col. 3, Ln. 27-28. A mass inertia  $J_1$  of the installed tool is also determined based on the value measured during the tool acceleration. Col. 3, Ln. 39-41. This inertia value  $J_1$  is then compared to an inertia value  $J_2$  calculated based on geometric data stored in the machine controller. Col. 3, Ln. 63-67; Col. 4, Ln. 1-3. In this manner, it is determined whether the tool is mounted in a manner that would cause imbalance.

In the presently invention, a method of monitoring the installation of a *measurement device* is claimed. Specifically, claim 15 requires that a characteristic variable for the measurement device be calculated, and that that characteristic variable be compared to previous recorded values to generate a message indicating whether the measurement device is installed correctly. Bornemann teaches a method of testing the installation of a *work tool*, and not a measurement device as presently claimed. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Because Bornemann includes no teaching related to the testing of the installation of a measurement device, it is believed that the rejection of

independent claim 15, and claims 22 and 30 having similar limitations, is improper. Further, the teachings of Lynch fail to overcome or supplement the shortcomings of Bornemann. For these reasons, it is believed that claims, 15, 22 and 30, and the claims depending therefrom, are in condition for allowance.

While it is believed that claims 15, 22 and 37 are independently patentable, new dependent claims 35-37 have been added that further differentiate the present invention from the cited references. Specifically, none of the cited references teach the limitations of claims 35-37, relating to type of measurement device and the characteristic variable, in combination with the limitations of their respective base, independent claims.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

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